

2002P01070US
60427-405**REMARKS**

Claims 14 and 16-17 stand rejected under 35 U.S.C. §102(b) as being anticipated by Holland (U.S. Patent No. 2,358,510). The Examiner states the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, and therefore Applicant's claims are anticipated. Holland does not disclose a method of forming and utilizing a compression limiter in an air intake manifold assembly including the steps of inserting a fastening member in a bore of the compression limiter and transmitting a load provided by the fastening member to a component. Holland discloses a spring snubber unit that replaces one or more springs 19 in a spring assembly 18 of a vehicle suspension. The snubber unit prevents or dampens harmonic vibrations of the springs in the vehicle suspension. In Holland, there is no fastening member inserted into the snubber unit, and therefore the snubber unit does not transmit the load of a fastening member as claimed by Applicant. Holland does not anticipate Applicant's claims, and Applicant requests that the rejection be withdrawn.

The Examiner further rejected claims 14 and 17-18 under 35 U.S.C. §102(b) as being anticipated by Becker (U.S. Patent No. 2,686,547), or in the alternative, under 35 U.S.C. §103(a) as being obvious by Becker. The Examiner states the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, and therefore Applicant's claims are anticipated. Becker does not disclose a method of forming and utilizing a compression limiter in an air intake manifold assembly including the steps of inserting a fastening member in a bore of the compression limiter and transmitting a load provided by the fastening member to a component. Becker discloses a holding sleeve 2 anchored in a piece of wood 4. The sleeve 2 secures a nut 1 to the wood 4. However, the sleeve 2 does not transmit a load of the nut 1 or any fastening member to another component as claimed by Applicant. Becker does not anticipate Applicant's claims, and Applicant respectfully requests that the rejection be withdrawn.

The Examiner further rejected claims 14 and 17 under 35 U.S.C. §102(b) as being anticipated by Gass (EP 1,032,524). The Examiner states the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, and therefore Applicant's claims are

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anticipated. Gass does not disclose a method of forming and utilizing a compression limiter in an air intake manifold assembly including the steps of inserting a fastening member in a bore of the compression limiter and transmitting a load provided by the fastening member to a component. Gass discloses a method for forming a panel spacer. A tubular configuration 72 is positioned on a metal base member 16, and projections 56 of the tubular configuration 72 are melted to secure the tubular configuration 72 to the metal base member 16. Gass does not disclose a method of forming and utilizing a compression limiter including the steps of inserting a fastening member in a bore of the compression limiter and transmitting a load provided by the fastening member to a component as claimed by Applicant. Becker does not anticipate Applicant's claims, and Applicant respectfully requests that the rejection be withdrawn.

Claim 15 stands rejected under 35 U.S.C. §103(a) as being obvious over either Holland, Becker or Gass. The Examiner states it would have been obvious to one having ordinary skill in the art at the time the invention was made to form a compression limiter from high carbon steel as it is within the general skill of a worker to select a known material on the basis of its suitability for the intended use. The Examiner argues that the use of high carbon steel is within the general skill of a worker, but supplies no evidence. Applicant cannot respond without the evidence and thus asks that the holding be dropped or the evidence supplied. The relevant question is not whether high carbon steel has ever been employed, but rather if it would have been obvious to employ high carbon steel in the claimed invention. Clearly, it would not have been. Additionally, claim 15 depends on patentable independent claim 14 and is allowable for the reasons set forth above. Applicant respectfully requests that the rejection be withdrawn.

Thus, claims 18-24 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.